

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AUGUSTIN MUGABO,

Plaintiff,

v.

DECISION AND ORDER
20-CV-409

DONALD McANDREW,
BUFFALO POLICE, and
COMMUNITY SERVICES FOR EVERY1,

Defendants.

This action, framed as a Civil Rights Act case and filed by *pro se* Plaintiff Augustin Mugabo, was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the performance of pretrial proceedings.

On April 19, 2022, Magistrate Judge McCarthy issued a Report and Recommendation (Dkt. No. 63) recommending that the Court grant the motion (Dkt. No. 60) by Defendants Donald McAndrew and Community Services for Every1 (“Community Services”) for entry of partial final judgment, as to those Defendants only,¹ pursuant to Federal Rule of Civil Procedure 54(b).

No objections to the R&R have been filed. Upon review of the R&R and the underlying record, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1) and for the reasons set

¹ Defendant Buffalo Police remains a party to this action, with an initial mediation session scheduled.

forth in the R&R, the motion (Dkt. No. 60) by Defendants McAndrew and Community Services for entry of partial final judgment is granted; and it is further

ORDERED that the Clerk of Court shall enter partial Judgment, in favor of Defendants McAndrew and Community Services; and it is further

ORDERED that this case remains with Magistrate Judge McCarthy for further proceedings as to the sole remaining defendant, Buffalo Police.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and leave to appeal to the Court of Appeals as a poor person is denied. *See Coppedge v. United States*, 369 U.S. 438 (1962). Further requests to proceed on appeal as a poor person should be directed, on motion, to the United States Court of Appeals for the Second Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: May 27, 2022